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	ee County Board Of County Commissi Agenda Item Summary	oners Blue Sheet No. 20	1020122		
1. REQUESTED MOTION:	Agenda Item Summary	Diue Sneet 140. 20	0030123		
ACTION PROHESTED: Approve and a	avacuta an Interlocal Agraement between	Loo County, and Massich Luthau	ur Chanab in Namb		
ACTION REQUESTED: Approve and execute an Interlocal Agreement between Lee County, and Messiah Lutheran Church in North Fort Myers.					
WHY ACTION IS NECESSARY: The	Board of County Commissioners must app	prove Interlocal Agreements.			
WHAT ACTION ACCOMPLISHES.	Duovidas stama shaltan fan amananan ay ye	sulcana and Consilian manch and Consilia	No. 1.1		
WHAT ACTION ACCOMPLISHES: : North Fort Myers when they are required to	to evacuate their facilities and dwellings	orkers and family members from I	he narking lots to be		
used as distribution points and staging arc		to the provides outside opace in t	ne parking low to be		
2. DEPARTMENTAL CATEGORY:		3. MEETING DATE:			
COMMISSION DISTRICT #:	240				
Division of Public Safety (07)	CTA	05-20-2003			
4. AGENDA:	5. REQUIREMENT/PURPOSE: (Specify)	6. REQUESTOR OF INFO	RMATION:		
X CONSENT	STATUTE	A. COMMISSIONER			
ADMINISTRATIVE	ORDINANCE	B. DEPARTMENT Independent			
APPEALS	ADMIN. CODE	C. DIVISION	Public Safety		
PUBLIC	X OTHER	BY: John D. Wilson, I	irector (() W		
WALK ON		_	√ I		
TIME REQUIRED: 7. BACKGROUND:			,		
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inspected the church buildings and determined that two of the buildings (Day Care Center and Family Center) were structurally sound and could be used as storm shelters, if minor retrofits were applied. The two buildings will accommodate approximately 200 people. North Fort Myers and Pine Island are in need of emergency shelter facilities for emergency workers and their family members. It was determined that this facility was adequate to handle this requirement. It was also determined that the parking lots were large enough to be used for equipment staging and distribution points. In the attached agreement, the County agrees to make the modifications identified by the consultant to the Day Care Center and the Family Center prior to using them as emergency shelters. Expected cost to retrofit the buildings should not exceed \$10,000. Funds are available in: KF5250418200.506510 \(\rho_{\mathbb{P}}\). Attachment 1 - Three (3) copies of the Statement of Agreement					
8. MANAGEMENT RECOMMENDAT		7 A ¥ .			
ah	9. RECOMMENDED APPROV	<u>vr</u> .			
A B C Department Purchasing Human Director or Contracts Resources	D E County	F Budget Services (UNIN 5 1810 7	G County Manager		
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10. <u>COMMISSION ACTION</u> : APPRO	OVED				
DENIE	D	RECEIVED BY COUNTY ADMIN. PM	.]		
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STATEMENT OF AGREEMENT CONCERNING THE USE OF REAL ESTATE OR OTHER PREMISES FOR EMERGENCY RESPONSE, RELIEF, AND RECOVERY EFFORTS

This Agreement is entered into	this da	ay of	, 2002 by and
between MESSIAH LUTHERAN CH	URCH, the t	itled own	er of certain real estate or
other premises hereinafter called the '	'Owner'', and	I the Boar	d of County Commissioners
of Lee County, Florida, a political sub	division and	charter co	ounty of the State of Florida,
hereinafter called the "County", collection	ctively the "F	arties" he	ereto:

NOW THEREFORE, it is mutually agreed between the parties as follows:

- 1. The Owner owns and controls certain real estate described as follows: MESSIAH LUTHERAN CHURCH located at 2691 NE Pine Island Road, North Fort Myers, Florida 33909 (hereinafter the "Property"). Owner, in consideration of the terms and conditions set out herein, voluntarily and without further monetary compensation, grants permission to the County for the temporary use of the Property, including the Daycare Center, Family Center and parking areas for emergency response, relief and recover efforts. These efforts shall include, but not be limited to, an emergency shelter for emergency workers and their families, a staging area for emergency response equipment, an emergency distribution point, a multi-agency coordinating center, a disaster recovery center and other emergency related uses.
- 2. Prior to utilizing the facility as an emergency shelter, the County agrees to make certain modifications to the Daycare Facility and the Family Center in order to make the structures more hurricane resistant as recommended by the County's consultant.
- 3. The County agrees to exercise reasonable care during the use of the Property and further agrees to repair, replace or reimburse the Owner for any and all damage to the Property caused by the County, its agents, employees, or contractors during its occupancy.
- 4. The County agrees to reimburse the Owner of the Property a prorated share of the telephone, electricity, water and sewer services used by the County, its agents, employees, or contractors, and further the County agrees to reimburse the Owner of

- the Property for any specific increased costs incurred for utility services provided that proof of increased cost is provided to the County.
- 5. The County, based upon the type of emergency event, shall inform the Owner's authorized representative of the intended duration of the temporary use of the property as soon as practicable. Use will be allowed for one (1) week at a time with additional weeks approved by Owner. Said use can be terminated by Owner with seven (7) days notice.
- 6. The Owner agrees to provide emergency contact information to the County and to update said information annually (See Appendix "A").
- 7. This Agreement shall remain in force for a period of five (5) years from its execution by the County with the option for the Parties to mutually renew same for an additional five (5) years.
- 8. The Owner must approve any and all printed materials that are published by the County which refer to the Property.
- 9. The County shall advise Owner in writing of any rescue organization(s) it intends to assist with the emergency relief efforts on the Property. Said organizations must enter into a Mutual Aid Agreement with the County.
- 10. The County will be liable to Owner for money damages in tort for any injuries to or losses of property, personal injury, or death caused by the negligent or wrongful act(s) or omission(s) of any official, employee, or contractor during the County's use of the property, subject to the limitations as set out in Section 768.28, Florida Statutes, as it may be revised or amended from time to time.
- 11. The County agrees to list Owner as an additional insured on its general liability insurance for the purposes of this Agreement, which is subject to the limitations as set out in Section 768.28, Florida Statutes, as it may be revised or amended from time to time.
- 12. This Agreement contains the entire Agreement between the Parties hereto and there are no promises, agreements, conditions, undertaking or warranties or representations, oral or written, express or implied, between them except as set forth herein.
- 13. No change or modification to this Agreement shall be effective unless the same is in writing and signed by both parties hereto.

14. Either Party to this Agreement may terminate same for its convenience, without cause, upon thirty (30) days written notice to the non-terminating party.

IN WITNESS THEREOF, the Owner caused this Agreement to be executed and the County has caused this Agreement to be executed by the Chairman of the Board of County Commissioners of Lee County, Florida. Said Agreement to become effective and operative upon execution by the County.

SIGNATURES TO THE AGREEMENT

	MESSIAH LUTHERAN CHURCH
First Witness	By: Whyler J. Sautes Signature
Second Witness	Its: Church Council President Title
	BOARD OF COUNTY
	COMMISSIONERS OF LEE
	COUNTY, FLORIDA
	Ву:
	Chairman
ATTEST:	APPROVED AS TO FORM:
CHARLIE GREEN, CLERK	1/1/2
By:	By:
Deputy Clerk	Office of the County Attorney

APPENDIX "A"

Contact List of Authorized Representation of Temporary Use of Real Estate or Other Premises

Name of Site/Facility:

Messiah Lutheran Church

Address:

2691 Pine Island Rd. N. Fort Myers, FL. 33909

Phone:

239-995-0133

Primary Emergency Contact:

William White

Home Phone: 239-995-4455

Cellular Phone: 239-826-7183

First Emergency Contact

Name:

Evelyn Medici

Home Phone: 239-731-4902

Cellular Phone: 239-634-6395

Second Emergency Contact

Name:

John Scinaldi

Home Phone: 239-945-1685

APPENDIX "B"

STATEMENT OF INSURANCE (TO BE ATTACHED UPON EXECUTION BY COUNTY)

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